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Chairman



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Prepared Testimony of
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I. Introduction

Mr. Chairman and members of the subcommittee, I am Ron Hawley, Executive Director of SEARCH. Thank you, Mr. Chairman and members of the Subcommittee for your support. The efforts of your outstanding subcommittee staff are also greatly appreciated. SEARCH has requested a \$2.0 million earmark from the Department of Justice, Byrne Discretionary Grant Program to be included in the Commerce, Justice, Science, and Related Agencies Appropriation bill. Due to the dramatic funding decrease in recent years for national programs, including SEARCH, this amount of funding will restore the level of outreach available through the SEARCH National Technical Assistance and Training Program so that local and state criminal justice agencies that are truly in need may benefit from SEARCH's services.

SEARCH is a state criminal justice support organization comprised of governors' appointees from each state. SEARCH's mission is to promote the effective use of information and identification technology by criminal justice agencies nationwide. For more than 20 years, the SEARCH National Technical Assistance and Training Program has been the only no-cost service for small- and medium-sized criminal justice agencies to assist them in: (1) enhancing and upgrading their information systems; (2) building integrated information systems that all criminal justice agencies need; (3) ensuring compatibility between local systems and state, regional and national systems; (4) developing and delivering high-tech anti-crime training; and (5) providing computer forensic technical assistance support.

In the Department of Justice Reauthorization Act (Public Law 109-162), the Congress expressly and specifically authorized SEARCH's National Technical Assistance and Training Program. Chapter 5, Subsection C, 1184 of that provision reads:

(a) IN GENERAL. – Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS. – There are authorized to be appropriated to the Attorney General to carry out this section \$4,000,000 for each of fiscal years 2006 through 2009.

Federal funds are increasingly available to individual state and local criminal justice agencies to improve communications interoperability and information sharing. SEARCH is concerned about the level of waste that would result if Stimulus and FY09 funds reach criminal justice agencies that are ill-equipped to manage and complete technology projects. In order to mitigate the potential for the inefficient use of taxpayer dollars, the National Technical Assistance and Training Program provides individuals at these agencies with the knowledge and skills to effectively plan, organize and implement these initiatives.

Because the National Technical Assistance and Training Program is national in scope, SEARCH is able to replicate successful implementation strategies in one state or locality and disseminate and transfer those strategies to other states and localities. This unique program not only helps state and local agencies work more efficiently and effectively through the use of advanced information technologies, but it also creates a foundation for a national information infrastructure for interoperable justice systems. In short, the automated sharing of information is a critical component of effective justice. Better information means better decisions, and better decisions mean improved public safety. Creating information sharing capabilities among state and local public safety agencies that consistently conform to national and international standards efforts and that provide tangible benefits and outcomes will strengthen the foundation for successful nationwide information sharing to help prepare and respond to major national incidents and terrorist attacks.

Simultaneously, SEARCH is actively focused on helping states develop privacy policies governing the collection of information in various state criminal justice systems to protect individual privacy and civil liberties in the growing information sharing environment. SEARCH conducts research to examine emerging trends and issues that have the potential to impact the collection, maintenance and exchange of justice information, while advocating policies that ensure effective privacy protection for the subjects of those records. The technical assistance provided by SEARCH has always been sensitive to the privacy implications of the effective use of information systems.

This program has reached over 27,000 criminal justice officials in every state. The criminal justice agencies that SEARCH has assisted have found our services invaluable. SEARCH's National Technical Assistance and Training Program has received rave reviews, not only from those local, regional and state law enforcement and criminal justice agencies that have received its services, but also from the Bureau of Justice Assistance (BJA), which administers the grants to SEARCH.

II. Use of Past Funding

SEARCH was pleased to receive a \$500,000 earmark in the 2009 Omnibus Appropriations Act, Pub. L. 111-8, as well as additional language in support of the program:

SEARCH National Technical Assistance and Training Program. –The Department is encouraged to support efforts to assist States in the development and use of information through criminal justice information systems to accelerate the automation of their

fingerprints identification processes and criminal justice data identification processes so that State and local law enforcement which are compatible with the FBI's Integrated Automated Fingerprint Identification System.¹

Although national programs such as SEARCH did not receive earmarks in FY08 or FY07, SEARCH's National Technical Assistance and Training Program received a \$2 million earmark out of the Byrne Discretionary Grant Program in the Office of Justice Programs in FY06 and in prior years. In FY06 alone, the SEARCH National Technical Assistance and Training Program reached out to 48 states, as well as the District of Columbia.

In an average year, SEARCH undertakes approximately 40 on-site and 250 in-house technical assistance efforts. SEARCH's technical assistance customarily includes helping a state or local law enforcement agency establish an automated justice information system; evaluate and plan for integration of existing information systems; or enhance, expand or implement a computerized criminal justice record system. Although the form of assistance varies based on the specific needs of the request, a typical technical assistance activity takes approximately six weeks and is staffed by experts that provide an initial consultation and data gathering, appropriate follow-up including recommendations and guidance, as well as tools for the criminal justice agency to move forward. Each of these technical assistance activities cost approximately \$50,000.

SEARCH is helping state policymakers and technical and operational stakeholders in numerous jurisdictions develop standards-based, high technology data sharing solutions so that critical law enforcement, court, corrections, prosecutor, and other justice agency information is rapidly shared to provide the foundation for accurate and appropriate decision-making. For example, the Maryland State Police Licensing Division sought assistance in undertaking an initiative to replace its licensing software. SEARCH's assistance involved an evaluation of its current software system, an assessment of its current and projected needs, and the development of a document to define the project charter and high-level requirements for the system.

With respect to communications interoperability, in this past year, SEARCH has provided critical assistance to multiple states completing statewide communications interoperability plans and investment justifications. For example, Texas' public safety communications response to Hurricane Gustav in August 2008 was enhanced significantly through the All-Hazards Type III Communications Unit Leader (COML) training that was delivered with assistance from SEARCH. Because the hurricane was bearing down as the class was underway in Houston, instructors worked with state emergency managers to coordinate a conference call to receive the governor's emergency briefing and then began real-life planning with students for the emergency communications response to the impending disaster. Several students were deployed directly from the class to begin using what they learned to coordinate interoperable communications for first responders.

¹ 2009 Omnibus Appropriations Act, Joint Explanatory Statement, Division B. This language was also included in the 2008 Omnibus Appropriations Act, Joint Explanatory Statement, Division B.

Meanwhile, SEARCH provides direct operational support to law enforcement in its cybercrime investigation program. Criminal activity via the Internet is growing at an alarming pace, but the ability of law enforcement to handle these types of crimes is not keeping up. Through SEARCH cybercrime training classes and technical workshops, investigators are taught methods to prevent, detect and investigate the rising tide of cybercrime, such as fraud, email threats, online stalking and child exploitation. In one-on-one work with law enforcement investigators and prosecutors, SEARCH provides immediate operational assistance and critical operational guidance to practitioners on emerging technological issues in high-tech crime.

SEARCH, for example, was an integral part of the 2008 Crimes Against Children Conference in Dallas, Texas where SEARCH presented multiple workshops on cellular device and social networking site investigations to hundreds of attendees. In a real-life application of SEARCH's hands-on technical assistance, in Montgomery County, Virginia law enforcement investigators were able to successfully view and parse data recovered from a running computer during an ongoing investigation. SEARCH walked the investigator thorough the process and procedure of the computer random access memory (RAM) dump, which contained a wealth of information of evidentiary value to investigators.

III. Intended Use of Funding for Fiscal Year 2010

For FY10, SEARCH is requesting \$2.0 million for the National Technical Assistance and Training Program. This request reflects vastly increasing demand for training and technical assistance, and will allow the National Technical Assistance and Training Program to respond to requests from hundreds of state and local criminal justice agencies.

If SEARCH is provided with the requested funding, SEARCH intends to utilize the funds to address goals in both the information sharing and high-tech crime investigation aspects of the program. In the information sharing space, SEARCH intends to: (1) significantly increase the number of criminal justice agencies supported by our teams; (2) support through training and technical assistance the adoption of national law enforcement and public safety information technology standards; (3) contribute to the development of new and emerging law enforcement and public safety standards; (4) develop specific information sharing requirements for the re-entry of prisoners into society following incarceration; and (5) improve agencies' ability to measure and manage their information sharing initiatives. The high-tech goals include: (1) expanding the number of law enforcement investigators trained in high tech crime investigation generally; (2) developing added hands-on training courses and resources for investigators to use during active investigations; and (3) encouraging a nationwide approach to cybercrime training by developing a model statewide cybercrime training plan that offers a comprehensive methodology and standard delivery of training and cybercrime education to law enforcement agencies in each state.

Due to the lack of funding over the last few fiscal years, SEARCH has been forced to reduce the number and hours of existing SEARCH staff.² SEARCH has also reduced the availability of training sessions all across the country due to the cost of shipping lab equipment. Training sessions provided at SEARCH headquarters are not being fully utilized as many

² Four SEARCH employees were laid off in 2008.

criminal justice officers are unable to travel during these difficult economic times, and reductions in criminal justice forces further exacerbates the problem for agencies that must find the time and resources to send the appropriate officials to a 1-2 day training event. SEARCH is exploring eLearning alternatives, but SEARCH lacks the start-up funding to fully implement web-based solutions that could potentially reach a much larger segment of the criminal justice community. Without the requested \$2.0 million, SEARCH will have no choice but to further reduce the availability of valuable technical assistance and training resources to those criminal justice agencies in need across the country.

IV. Byrne Competitive Grant Program

Before concluding my testimony, let me take a moment to ask for enhanced funding for the Byrne Competitive Grant Program. Through the Chairman's leadership, the FY08 Omnibus Appropriations Act established the competitive grant process for programs of national significance to prevent crime, improve the administration of justice, and assist victims of crime. The process is administered by the Office of Justice Programs (OJP) to those national programs that previously have received earmark funding under the Byrne discretionary program. However, the total amount of grant funding provided to all of the competing national programs during the initial year of the program was set at only \$16 million. The FY09 Omnibus Appropriations Act rightly expands the program to \$30 million, however, we believe that funding in the range of at least \$65 million is the minimum necessary to permit a workable and effective competitive grant program on a national scale.

SEARCH supports the laudable goal of distributing funds on a competitive basis to those national programs that can demonstrate the most compelling uses for those funds. However, the outstanding leadership of the Subcommittee in creating this program is undermined by the harsh reality of a woefully inadequate amount that is meant to provide funding for the many national programs that successfully assist criminal justice and law enforcement efforts across the country. Dividing an under-funded competitive pot among dozens of national programs will result in drastic reductions in the level of funding provided to these programs or no funding at all for many deserving organizations. National programs seeking to compete for these funds should have a chance at receiving a meaningful grant amount and, thereby, continue to provide their vital criminal justice services.

V. Conclusion

Congressional support for the SEARCH National Technical Assistance and Training Program is vital. The federal investment of \$2 million can be leveraged many times over by contributing to the ability of state and local criminal justice agencies to provide timely, accurate and compatible information throughout the nation.

On behalf of SEARCH, its governors' appointees, and the thousands of criminal justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time. It has been a pleasure appearing here today.